

REMARKS

Applicant and Applicant's representative take this opportunity to express appreciation to Examiners Cohen and Fullton for their courtesies in connection with the personal interview on July 8, 2003. During the interview, an operative model of the invention disclosed in this application was demonstrated during which the novel structural features and operational characteristics were demonstrated and explained. This Amendment is believed to place the application in condition for allowance.

Claim 1 has been amended by incorporating language from claim 18 as discussed during the interview. Specifically, the pair of pointers which constitute the indicator have been included in claim 1 with the pointers being vertically adjustably mounted on the base to enable a lower end of each pointer to be positioned in alignment with and adjacent the reference line. Further, the light beam emitting device is defined as including a pair of support arms perpendicular to a longitudinal line extending between the pointers with each of the support arms being laterally adjustable and supporting a laser beam emitting device on an outer end thereof to adjustably indicate points on the other surface. This terminology is similar to that in claim 18 except that the reference lines and points indicated are not

on a floor surface and ceiling surface, respectively. Even so, the Benson and Woznow patents do not disclose an equivalent structure. Benson discloses a pair of notches 36 and 38 which are spaced vertically above a supporting surface and a single light bulb 40 casts a light spot 66 on a ceiling with the center of the light spot having to be located and marked. The Benson device must be physically lifted and moved and, clearly does not utilize any supporting wheel arrangement. Woznow discloses a surface profile measuring device which includes wheels 18 and 24 at the front and rear with center wheel 20 therebetween to determine the profile or levelness of a surface. The rear wheels 24 and 26 and the steerable wheel 18 define a three point support for the frame and the center wheel 20 follows the surface being measured.

As discussed during the interview, neither Benson nor Woznow, nor the other patents of record, disclose the structural arrangement originally defined in claim 18 and now included in claim 1. Accordingly, it is believed that claim 1 now distinguishes patentably from the prior art relied upon in rejecting claim 1 and in rejecting claim 18. Also, the limitations now incorporated into claim 1 were extracted from claim 18 which has been previously examined. Accordingly, applicant submits that the amendment to claim 1 does not

introduce any new issue inasmuch as the limitations added to claim 1 were previously in claim 18. Dependent claims 2, 4, 5, 7 and 10 are also believed to be allowable in view of their dependency on claim 1 and the additional limitations appearing in these claims.

Dependent claim 11 has been rewritten in independent form to include claims 1, 8 and 9 in the Amendment filed January 30, 2003 from which claim 11 depended at that time. This places claim 11 in condition for allowance.

Claim 12 depends from claim 1 and includes the leveled top member with a pair of laser beam emitting device cradles thereon to support a pair of laser beam emitting devices for indicating multiple points on said another surface. The prior art does not disclose any combination of the support arms and related structure in claim 1 and the leveled top member on the base with cradles thereon for laser beam emitting devices mounted on the top member in claim 12.

Claim 13 also depends from amended claim 1 and sets forth the leveled top member with a drum which includes a protractor and a pivot arm. Note that the functional language relating to arcuate, curved lines has been deleted from claim 13. This deletion is believed to avoid the necessity of showing the

arcuate or curved lines in the drawings since this feature is no longer claimed.

Independent claim 15 and dependent claims 18 and 19 are retained in the application with claim 19 being indicated as allowable if rewritten in independent form. Independent claim 15 has been amended to more clearly and specifically set forth the pair of laser beam emitting devices mounted on laterally adjustable support arms to identify adjacent target points on the overhead surface. The prior art does not disclose this structure. Claim 18 defines over the prior art by reciting the laterally adjustable support arms and the pair of vertically adjustable pointers on the base which also is not disclosed in the prior art in the manner set forth in claim 18. Claim 19 has been amended to change the terminology from cart to base in line 2 and light emitting to laser beam emitting.

Applicant submits that each claim retained in the application distinguishes patentably from the prior art taken singly or collectively and that the various modifications considered obvious to a person of skill in the art are not suggested in the prior art and no reason exists for such modifications to be incorporated into the various prior art patents which have been combined and that the decision regarding duplication of components is not controlling with respect to a

pair of pointers, a pair of adjustable support arms or a pair of laser beam emitting devices in view of the function of the pairs of components claimed in the claims in this application. Accordingly, favorable consideration and allowance of the application is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By: *Harvey B. Jacobson, Jr.* Reg. NO
Harvey B. Jacobson, Jr. 17393
Reg. No. 20,851

400 Seventh Street, N.W.
Washington, D.C. 20004
(202) 638-6666
Atty. Dkt. No.: P67041US0
HBJ/HAS/vss
Date: October 27, 2003